## BEFORE THE LAND USE BOARD OF APPEALS OF THE STATE OF OREGON

ROBERT STANGEL,	)	
	)	
Petitioner,	)	
	) LUBA No. 91-00	4
VS.	)	
	) FINAL OPINION	ſ
WALLOWA COUNTY,	) AND ORDER	
	)	
Respondent.	)	

Appeal from Wallowa County.

D. Rahn Hostetter, Enterprise, represented petitioner.

Mary Grote, Enterprise, represented respondent.

SHERTON, Referee; KELLINGTON, Chief Referee; HOLSTUN, Referee, participated in the decision.

REMANDED 04/12/91

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

Opinion by Sherton.

The parties agree that the appealed decision should be remanded to respondent Wallowa County. The parties further agree that "costs in the sum of \$150 [should be] awarded to petitioner." Stipulated Order of Remand 1.

Petitioner is the prevailing party in this appeal.

Mackie v. Linn County, 17 Or LUBA 1013, 1014 (1988). Under

OAR 661-10-075(1)(b)(A), if petitioner is the prevailing party, the Board may only award petitioner the cost of the filing fee for his appeal.

The county's decision is remanded. Petitioner is awarded the cost of his \$50.00 filing fee, to be paid by respondent. The Board shall return petitioner's \$150.00 deposit for costs.